

In re application of : Communi et al.
App. No. : 09/077,183
Filed : November 12, 1998
For : RECEPTOR AND NUCLEIC
ACID MOLECULE ENCODING
SAID RECEPTOR
Examiner : Joseph F. Murphy
Art Unit : 1644

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

March 9, 2000

(Date)

Neil S. Bartfeld, Ph.D., Reg. No. 39,901



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ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is a **Response to Restriction Requirement** in the above-identified application.

The fee has been calculated as shown below:

CLAIMS AS FILED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
Total Claims	21	21	= 0 ×	\$9	= \$0
Independent Claims	4	4	= 0 ×	\$39	= \$0
If application has been amended to contain multiple dependent claim(s), then add				\$130	= \$0
Time Extension Fee					\$0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0

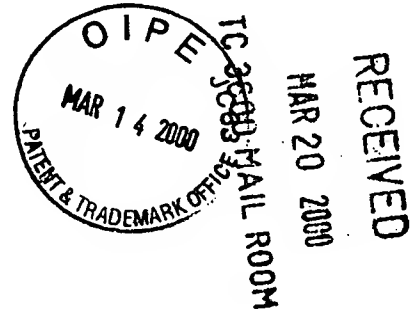
- (X) A small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
- (X) Return prepaid postcard.
- (X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Neil S. Bartfeld, Ph.D.
Registration No. 39,901
Agent of Record

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Communi et al.)
 Appl. No. : ~~09/077,183~~ 09/077,173)
 Filed : November 12, 1998)
 For : RECEPTOR AND NUCLEIC)
 ACID MOLECULE)
 ENCODING SAID RECEPTOR)
 Examiner : Joseph F. Murphy)

Group Art Unit 1644

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
 Washington, D.C. 20231

Dear Sir:

In response to the Restriction Requirement mailed February 9, 2000, Applicants hereby elect Group I, Claims 70-80, 84 and 89, drawn to a receptor, a polynucleotide encoding the receptor, a vector, a host cell, and a method of compound screening, with traverse.

Although the five claim groups set forth by the Examiner are patentably distinct, they contain overlapping subject matter (SEQ ID NO: 2). Therefore, a proper search of Group I would necessarily reveal references directed to Groups II-IV. In addition, the Group III claims (85 and 90) depend on Claims 84 and 89, respectively, which are in Group I. Thus, Group III should not be separated from Group I.

M.P.E.P. §803 states, in part, that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." In the present case, Applicants submit that examination of all pending claims would not place such a burden on the Examiner.

Applicants are aware that the Examiner is not bound by findings in the PCT application from which the present application entered the U.S. national phase. However, in the PCT case,

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Appl. No. : 677,183
Filed : November 12, 1998

69 claims were filed and no lack of unity objection was raised. In the present case, these 69 claims were condensed to 20 claims which cover less subject matter than the original claims. Accordingly, Applicants submit that the restriction is improper and respectfully request that it be withdrawn.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: _____

3/9/00

By: _____

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